

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 399
92ND GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety April 15, 2003, with recommendation that the House Committee Substitute for Senate Bill No. 399 Do Pass by Consent.

STEPHEN S. DAVIS, Chief Clerk

1491L.03C

AN ACT

To repeal section 217.360, RSMo, and to enact in lieu thereof one new section relating to delivery or concealment of controlled substances in city or county jails, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 217.360, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.360, to read as follows:

217.360. 1. It shall be an offense for any person to knowingly deliver, attempt to deliver, have in his possession, deposit or conceal in or about the premises of any correctional center, **or city or county jail, or private prison or jail:**

(1) Any controlled substance as that term is defined by law, except upon the written prescription of a licensed physician, dentist, or veterinarian;

(2) Any other alkaloid of any controlled substance, any spirituous or malt liquor, or any intoxicating liquor as defined in section 311.020, RSMo;

(3) Any article or item of personal property which an offender is prohibited by law or by rule and regulation of the division from receiving or possessing;

(4) Any gun, knife, weapon, or other article or item of personal property that may be used in such manner as to endanger the safety or security of the correctional center, **or city or county jail, or private prison or jail** or as to endanger the life or limb of any offender or employee of such a center.

2. The violation of subdivision (1) of subsection 1 of this section shall be a class C felony; the violation of subdivision (2) of subsection 1 of this section shall be a class D felony; the violation of subdivision (3) of subsection 1 of this section shall be a class A

17 misdemeanor; and the violation of subdivision (4) of subsection 1 of this section shall be a class
18 B felony.

19 3. Any person who has been found guilty of or has pled guilty to a violation of
20 subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to
21 expungement of the record of the violation. The procedure to expunge the record shall be
22 pursuant to section 610.123, RSMo. The record of any person shall not be expunged if such
23 person has been found guilty of or has pled guilty to knowingly delivering, attempting to deliver,
24 having in his possession, or depositing or concealing any alkaloid of any controlled substance
25 in or about the premises of any correctional center, **or city or county jail, or private prison or**
26 **jail.**